

**STATE OF INDIANA )**

**) SS:**

**COUNTY OF MARION )**

**BEFORE THE INDIANA**

**COMMISSIONER OF INSURANCE**

**CAUSE NO.: 17604-AG18-1009-082**

**IN THE MATTER OF:**

**Sapan Niranjana Shah  
5325 Reserve Circle  
Cincinnati, OH 45230**

**Applicant.**

**Type of Agency Action: Enforcement**

**Indiana Insurance License No. 452124**

**FILED**

**APR 12 2019**

**STATE OF INDIANA  
DEPT. OF INSURANCE**

**FINAL ORDER**

On March 7, 2019, the Administrative Law Judge, Reuben B. Hill, filed his Findings of Fact, Conclusions of Law and Recommended Order in the above-captioned matter.

1. The Department served Findings of Fact, Conclusions of law, and Recommended Order on Applicant by mailing the same to his address of record.

2. The Department has complied with the notice requirements of Ind. Code §4-21.5-3-17.

3. Neither party has filed an objection with the Commissioner regarding the Administrative Law Judge's Findings of Fact, Conclusions of Law and Recommended Order, and more than eighteen (18) days have elapsed.

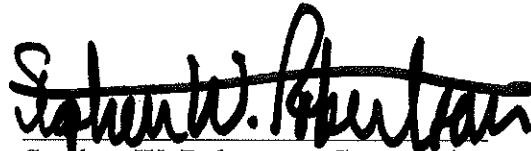
Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order and issues the following Final Order:

**IT IS THEREFORE ORDERED by the Commissioner of Insurance:**

1. Refusal to issue Applicant a NonResident Producer License is AFFIRMED.

Under Ind. Code §4-21.5-5-5, Applicant has the right to appeal this Final Order by filing a petition for Judicial review in the appropriate court within thirty (30) days.

ALL OF WHICH IS ORDERED by the Commissioner this 12 day of April, 2019.

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Copies to:

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5325 Reserve Circle  
Cincinnati, OH 45230

Erica Dobbs, Attorney  
Indiana Department of Insurance  
311 W. Washington St., Suite 103  
Indianapolis, IN 46204

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STATE OF INDIANA  
DEPT. OF INSURANCE

**NOTICE OF FILING OF RECOMMENDED ORDER**

The parties of this action are hereby notified that the Administrative Law Judge's  
Recommended Order is filed as of this date.

To preserve an objection to this order for judicial review, the Parties must object to the  
order in a writing that: 1) Identifies the basis for the objection with reasonable particularity; and  
2) Is filed with the ultimate authority for the Final Order, the Commissioner of the Department of  
Insurance within eighteen (18) days from the date of this Order.

DATED: 3/7/19



Reuben B. Hill  
Administrative Law Judge

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STATE OF INDIANA  
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CAUSE NO.: 17604-AG18-1009-082

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**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND RECOMMENDED ORDER**

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Administrative Law Judge Reuben B. Hill ("ALJ"), having heard, reviewed and considered all of the evidence, will now render a decision concerning the matter of Sapan Shah ("Applicant"). This matter came on to be heard by the ALJ on January 16, 2019 at 11:00 a.m. at the Indiana Department of Insurance at 311 West Washington Street, Indianapolis, Indiana.

The Enforcement Division of the Indiana Department of Insurance ("Department") was represented by counsel, Erica J. Dobbs. Respondent appeared by telephone and without counsel. Testimony was heard, and exhibits were received into evidence.

Based upon the evidence presented at said hearing, the ALJ now makes the following Findings of Fact, Conclusions of Law, and issues his Recommended Order.

### **FINDINGS OF FACT**

1. Applicant applied for Non-Resident Producer License on September 6, 2018.  
(Department's Exhibit 1)
2. Applicant previously held Indiana Non-Resident Producer License from March 26, 2004 through October 31, 2016 when he failed to renew. (Hearing Transcript, p. 16)
3. On August 30, 2012, Applicant was denied Non-Resident Producer License in the State of Wisconsin for failing to respond to the Commissioner's requests for information.  
(Department's Exhibit 2)
4. Applicant never reported this license denial to the Department. (Hearing Transcript, p. 30)
5. On December 18, 2013, Applicant was denied Non-Resident Producer License in the State of Wisconsin for a period of sixty (60) days pursuant to a Stipulation and Order, due to his failure to disclose the 2012 Wisconsin denial on his 2013 application for a Wisconsin license. (Department's Exhibit 3)
6. Applicant applied for renewal of his Indiana license on February 13, 2014 and answered "no" to the question that asked, "Have you been named or involved as a party in an administrative proceeding regarding any professional or occupational license or registration, which has not been previously reported to this insurance department"?  
(Department's Exhibit 5)

7. Applicant later uploaded documentation for this denial to the National Insurance Producer Registry ("NIPR") Warehouse as a "reported action" on July 15, 2014. (Hearing Transcript, p. 32)
8. On September 12, 2014, Applicant entered a Stipulation with the New York State Department of Financial Services, agreeing to pay a Five Hundred Dollar (\$500) fine for failing to timely report the Wisconsin actions to the State of New York. (Department's Exhibit 4)
9. Applicant did not upload documentation of this administrative action to the NIPR Warehouse until September 21, 2018. (Hearing Transcript, p. 32)
10. Applicant testified that he did not report these three (3) administrative actions taken against him in Wisconsin and New York while he previously held Indiana Non-Resident Producer license because he, "Had left doing any kind of insurance business, not thinking that he would need to update his Indiana License in the future". (Hearing Transcript, p. 10)
11. Applicant further testified that he left the insurance business in December, 2015. (Hearing Transcript, p.16-17)
12. On Applicant's September 6, 2018 application for a license, Applicant answered "no" to Question 2, which asks, "Have you ever been named or involved as a party in an administrative proceeding regarding any professional or occupational license or registration"? He did not attach any documents regarding past administrative actions to the application in the NIPR Warehouse. (Department's Exhibit 1, Hearing Transcript p. 27)

13. Applicant testified that he was completing his application on his cell phone, stating that he," Unfortunately did hit "no" when I know I should have hit yes". (Hearing Transcript, p.14-15)
14. Applicant did not call any witnesses or admit any exhibits at the hearing.
15. Conclusions of Law that can be adopted as Findings of Fact are hereby incorporated herein as such.

### **CONCLUSIONS OF LAW**

1. The Commissioner of the Indiana Department of Insurance ("Commissioner") has jurisdiction over both the subject matter and the parties to this action.
2. This hearing was held in compliance with the Administrative Orders and Procedures Act of the Indiana Code.
3. Indiana Code 27-1-15.6-12(b) states, in part, that the Commissioner may refuse to issue or renew an Insurance Producer License, due to a number of factors.
4. Specifically, Indiana Code 27-1-15.6-12(b)(2)(A) allows the Commissioner to refuse to issue or renew an Insurance Producer License for violating an insurance law.
5. Indiana Code 27-1-15.6-17(a) is an insurance law that states that a producer shall report to the Commissioner any administrative action taken against the producer in another jurisdiction or by another government agency in Indiana not more than thirty (30) days after the final disposition of the matter.
6. Applicant had three (3) administrative actions taken against him while previously holding Indiana Non-Resident Producer License; A Wisconsin license denial in 2012, a Wisconsin license denial in 2013, and a New York Stipulation in 2014.
7. Applicant has never reported the 2012 Wisconsin denial to the Department.

8. Applicant did not report the 2013 Wisconsin denial to the Department until July 15, 2014, nearly seven (7) months after the final disposition of the action.
9. Applicant did not report the 2014 New York Stipulation to the Department until September 21, 2018, more than four (4) years after the final disposition of the action.
10. Further, Indiana Code 27-1-15.6-12(b)(1) allows the Commissioner to refuse to issue or renew an Insurance Producer License for providing incorrect, misleading, incomplete, or materially untrue information in a license application.
11. Applicant failed to disclose his two (2) Wisconsin denials in his February 13, 2014 application for license renewal.
12. Applicant further failed to disclose all three (3) prior administrative actions taken against him in his September 6, 2018 application for a license.
13. Finally, Indiana Code 27-1-15.6-12(b)(9) allows the Commissioner to refuse to issue or renew an Insurance Producer License for having an Insurance Producer License denied, suspended, or revoked in any other state, province, district, or territory.
14. Applicant has twice been denied licensure in the State of Wisconsin.
15. Indiana Code 4-21.5-3-14 ( c ) states that the person requesting an agency take action, has the burden of persuasion and the burden of going forward. Applicant is requesting that the Department issue him a Non-Resident Producer License and, therefore, bears the burden.
16. Pursuant to Indiana Code 27-1-15.6-12 (d), a hearing was held to determine the reasonableness of the Commissioner's decision. Applicant failed to meet his burden of proving the Commissioner's decision was unreasonable.



17. Findings of Fact that can be adopted as Conclusions of Law are hereby incorporated herein as such.

**RECOMMENDED ORDER**

IT IS THEREFORE RECOMMENDED:

In consideration of the foregoing Findings of Fact and the Conclusions of Law as stated, the Administrative Law Judge now recommends to the **Commissioner of Insurance** the following:

1. The refusal to issue Applicant a Non-Resident Producer License should be **AFFIRMED.**

**ALL OF WHICH IS ADOPTED** by the Administrative Law Judge and recommended to the Commissioner of Insurance this 7<sup>th</sup> day of March, 2019.



Reuben B. Hill, Esq.  
Administrative Law Judge

Distribution:

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Erica J. Dobbs, Attorney  
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Indianapolis, Indiana 46204

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**FILED**

OCT 26 2018

STATE OF INDIANA  
DEPT. OF INSURANCE

**PRELIMINARY ADMINISTRATIVE ORDER**  
**AND NOTICE OF LICENSE DENIAL**

The Indiana Department of Insurance, pursuant to the Indiana Administrative Orders and Procedures Act, Indiana Code § 4-21.5-1 *et seq.* and Indiana Code § 27-1-15.6-12, hereby gives notice to Sapan Niranjana Shah ("Applicant") of the following Administrative Order:

1. Applicant was issued nonresident producer's license number 452124 on March 26, 2004.
2. Said license expired on October 31, 2016 for failure to renew.
3. Applicant filed an application for reinstatement of his nonresident license with the Commissioner of the Indiana Department of Insurance ("Commissioner") on September 6, 2018.
4. Before approving an application, the Commissioner must find that the applicant has met specific requirements under Indiana Code § 27-1-15.6-8 and Indiana Code § 27-1-15.6-12.
5. Indiana Code § 27-1-15.6-12(b)(1) provides, in part, that the Commissioner may refuse to issue or renew an insurance producer license for providing incorrect, misleading, incomplete or materially untrue information in a license application.

6. Indiana Code § 27-1-15.6-12(b)(2)(A) provides, in part, that the Commissioner may refuse to issue or renew an insurance producer license for violating an insurance law.
7. Indiana Code § 27-1-15.6-17(a) is an insurance law that states that a producer shall report to the commissioner any administrative action taken against the producer in another jurisdiction or by another governmental agency in Indiana not more than thirty (30) days after the final disposition of the matter. The report shall include a copy of the order, consent to order, or other relevant legal documents.
8. Indiana Code § 27-1-15.6-17(b) is an insurance law that state that not more than thirty (30) days after an initial pretrial hearing date, a producer shall report to the commissioner any criminal prosecution of the producer initiated in any jurisdiction. The report shall include a copy of the initial complaint filed, the order resulting from the hearing, and any other relevant legal documents.
9. Indiana Code § 27-1-15.6-12(b)(9) provides, in part, that the Commissioner may refuse to issue or renew an insurance producer license for having an insurance producer license denied, suspended, or revoked in any other state, province, district, or territory.
10. Following a review of public records, the Commissioner being fully advised, now hereby notifies Applicant he has not fully met the requirements of licensure as stated by Indiana Codes §§ 27-1-15.6-12(b)(1) and 27-1-15.6-12(b)(9) due to Applicant's failure to disclose an October 2, 2012 State of Wisconsin License Denial for failing to timely respond to the commissioner's request and a December 18, 2013 State of Wisconsin License Denial for failing to disclose the previous Wisconsin denial.
11. Following a review of public records, the Commissioner being fully advised, now hereby notifies Applicant he has not fully met the requirements of licensure as stated by Indiana

Codes §§ 27-1-15.6-12(b)(2)(A) and 27-1-15.6-17(a) due to Applicant's failure to timely report his October 2, 2012 State of Wisconsin License Denial for failing to timely respond to the commissioner's request, December 18, 2013 State of Wisconsin License Denial for failing to disclose previous Wisconsin denial, and September 12, 2014 New York State Stipulation Order for failing to timely report the Wisconsin denials while he previously held an active license in Indiana.

12. Following a review of public records, the Commissioner being fully advised, now hereby notifies Applicant he has not fully met the requirements of licensure as stated by Indiana Codes §§ 27-1-15.6-12(b)(2)(A) and 27-1-15.6-17(b) due to Applicant's failure to timely report his Ohio Disorderly Conduct and Resisting Arrest/Obstructing Official Business charges while he previously held an active license in Indiana.

13. Indiana Code § 27-1-15.6-12(d) provides that the applicant may, not more than sixty-three (63) days after notice of denial of the application is mailed, make written demand to the Commissioner for a hearing before the Commissioner to determine the reasonableness of the Commissioner's action.

**IT IS THEREFORE ORDERED** that Applicant's request for licensure is hereby DENIED pursuant to Indiana Codes §§ 27-1-15.6-12(b)(1), 27-1-15.6-12(b)(2)(A), and 27-1-15.6-12(b)(9).

*October 26, 2018*

Date Signed

*Stephen W. Robertson*

Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution to:

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